

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ENBRIDGE ENERGY, LIMITED  
PARTNERSHIP,**

**ENBRIDGE PIPELINES (LAKEHEAD) L.L.C.,**

**ENBRIDGE ENERGY PARTNERS, L.P.,**

**ENBRIDGE ENERGY MANAGEMENT, L.L.C.,**

**ENBRIDGE ENERGY COMPANY, INC.,**

**ENBRIDGE EMPLOYEE SERVICES, INC.,**

**ENBRIDGE OPERATIONAL SERVICES, INC.,**

**ENBRIDGE PIPELINES INC., and**

**ENBRIDGE EMPLOYEE SERVICES CANADA  
INC.,**

**Defendants.**

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**Civil Action No. 1:16-cv-914**

**Judge Gordon J. Quist**

**NOTICE OF NON-MATERIAL MODIFICATION OF CONSENT DECREE**

**(FOURTH MODIFICATION OF CONSENT DECREE)**

The United States and Enbridge<sup>1</sup> hereby notify the Court that they have agreed to a non-material modification of a provision in Paragraph 116.a of the Consent Decree that governs the location of certain Field Exercises and Table Top Exercises required as part of the Spill

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<sup>1</sup> As used herein, “Enbridge” refers collectively to: Enbridge Energy, Limited Partnership, Enbridge Pipelines (Lakehead) L.L.C., Enbridge Energy Partners, L.P., Enbridge Energy Management, L.L.C., Enbridge Energy Company, Inc., Enbridge Employee Services, Inc., Enbridge Operational Services, Inc., Enbridge Pipelines Inc. and Enbridge Employee Services Canada Inc.

Response and Preparedness Requirements established in Section VII.H of the Consent Decree previously entered by the Court in this action. As previously approved by the Court, Paragraph 116.a specified that “Enbridge shall conduct such exercises in cities and towns shown on Appendix C.” The parties have agreed to modify this sentence to read: “Enbridge shall conduct such exercises in cities and towns shown on Appendix C, unless Enbridge requests in writing and EPA agrees in writing to conduct such exercises in other cities and towns.”

The agreed modification is not a material modification of the Consent Decree, as it does not change the number, timing, or content of any of the required exercises. Rather, it merely expands the number of locations where required exercises may be conducted, provided that the Environmental Protection Agency agrees in writing to locations proposed by Enbridge for the exercises.

Under Paragraph 201 of the Consent Decree, non-material modifications of the Consent Decree do not require Court approval and are effective upon notice to the Court. Thus, no separate action by the Court is required to effectuate the modification described herein.

The undersigned party enters into and agrees to be bound by this Fourth Modification of the Consent Decree in *United States v. Enbridge Energy, Limited Partnership, et al.*, 1:16-cv-914 (W.D. MI).

FOR PLAINTIFF UNITED STATES OF AMERICA



KAREN DWORKIN  
Deputy Section Chief  
Environmental Enforcement Section

s/ STEVEN J. WILLEY (Ohio 002536)

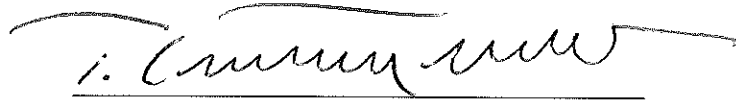
STEVEN J. WILLEY  
Senior Counsel  
Environmental Enforcement Section  
Environment and Natural Resources Division  
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P.O. Box 7611  
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ANDREW J. BIRGE  
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Western District of Michigan

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330 Ionia Avenue, N.W.  
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Grand Rapids, MI 49503  
Tel. (616) 456-2404

The undersigned party enters into and agrees to be bound by this Fourth Modification of the Consent Decree in *United States v. Enbridge Energy, Limited Partnership, et al.*, 1:16-cv-914 (W.D. MI).


FOR THE UNITED STATES OF AMERICA (CONTINUED)

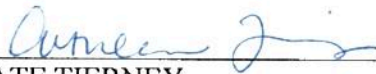
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T. LEVERETT NELSON  
Regional Counsel  
U.S. EPA, Region 5  
Chicago, Illinois

The undersigned party enters into and agrees to be bound by this Fourth Modification of the Consent Decree in *United States v. Enbridge Energy, Limited Partnership, et al.*, 1:16-cv-914 (W.D. MI).

FOR THE UNITED STATES OF AMERICA (CONTINUED)

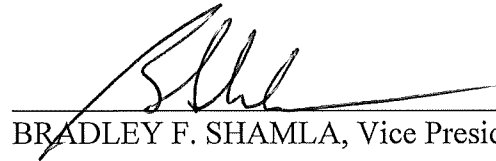
  
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MARK POLLINS  
Director  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency

  
\_\_\_\_\_  
CATE TIERNEY  
Senior Attorney  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

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FOR DEFENDANTS:

ENBRIDGE ENERGY, LIMITED PARTNERSHIP,  
ENBRIDGE PIPELINES (LAKEHEAD) L.L.C.,  
ENBRIDGE ENERGY PARTNERS, L.P.,  
ENBRIDGE ENERGY MANAGEMENT, L.L.C.,  
ENBRIDGE ENERGY COMPANY, INC., and  
ENBRIDGE EMPLOYEE SERVICES, INC.

A handwritten signature in black ink, appearing to read 'B. Shamlala', is written over a horizontal line.

BRADLEY F. SHAMLA, Vice President, U.S. Operations

The undersigned party enters into and agrees to be bound by this Fourth Modification of the Consent Decree in *United States v. Enbridge Energy, Limited Partnership, et al.*, 1:16-cv-914 (W.D. MI).

FOR DEFENDANTS:

ENBRIDGE OPERATIONAL SERVICES, INC.,  
ENBRIDGE PIPELINES INC., and  
ENBRIDGE EMPLOYEE SERVICES CANADA INC.



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D. GUY JARVIS, President